

JOE BASTONE

IBLA 81-1

Decided February 9, 1981

Appeal from a decision of the California State Office, Bureau of Land Management, declaring the Treasure Land placer and Old Reliable lode mining claims abandoned and void. CA MC 72602 and 72603.

Affirmed.

1. Federal Land Policy and Management Act of 1976: Recordation of Mining Claims and Abandonment--Mining Claims:
Abandonment--Mining Claims: Location-- Mining Claims:
Recordation

Under 43 U.S.C. § 1744 (1976) and 43 CFR 3833.1-2, the owner of an unpatented mining claim located on or before Oct. 21, 1976, must file a copy of the official record of the notice or certificate of location with the proper Bureau of Land Management Office on or before Oct. 22, 1979. This requirement is mandatory and failure to comply conclusively constitutes abandonment of the claim by the owner.

2. Notice: Generally--Regulations: Generally--Statutes

All persons dealing with the Government are presumed to have knowledge of relevant statutes and duly promulgated regulations.

APPEARANCES: Joe Bastone, pro se.

OPINION BY ADMINISTRATIVE JUDGE HARRIS

Joe Bastone appeals from a September 11, 1980, decision of the California State Office, Bureau of Land Management (BLM), rejecting recordation filings for the Treasure Land placer and Old Reliable lode mining claims. The location notices and filing fee were returned for failure to file on or before October 22, 1979, as required by section 314(b) of the Federal Land Policy and Management Act of 1976, 43 U.S.C.

§ 1744(b) (1976), and 43 CFR 3833.1-2(a). BLM declared the claims abandoned and void in accordance with 43 CFR 3833.4(a). Both claims were located prior to October 21, 1976. ^{1/} Appellant filed the location notices and fees with BLM on August 27, 1980.

[1] The owner of an unpatented mining claim located on Federal lands on or before October 21, 1976, must file a notice or certificate of location in the proper BLM office on or before October 22, 1979. 43 CFR 3833.1-2(a). Failure to file the notice or certificate of location on or before October 22, 1979, "shall be deemed conclusively to constitute an abandonment of the mining claim * * * and it shall be void." 43 CFR 3833.4(a).

Appellant filed his notices of location well after the October 22, 1979, deadline. Accordingly, BLM properly rejected appellant's recordation filings and declared his mining claims abandoned and void. See Alfred Letcher, 49 IBLA 193 (1980); George W. Cole, 49 IBLA 128 (1980).

[2] Appellant indicates that he was not aware of the new filing requirements and that BLM should have notified him of the changes. All persons dealing with the Government are presumed to have knowledge of relevant and duly promulgated statutes and regulations. Federal Crop Insurance Corp. v. Merrill, 332 U.S. 380 (1947); Canyon View Mining Co., 49 IBLA 184 (1980); 44 U.S.C. §§ 1507, 1510 (1976).

Therefore, pursuant to the authority delegated to the Board of Land Appeals by the Secretary of the Interior, 43 CFR 4.1, the decision appealed from is affirmed.

Bruce R. Harris

Administrative Judge

We concur:

Bernard V. Parrette
Chief Administrative Judge

James L. Burski
Administrative Judge

^{1/} The Treasure Land placer mining claim was located by Nancy Jane Mann on November 24, 1932, and transferred to appellant by quitclaim deed September 19, 1968. The Old Reliable lode mining claim was located September 5, 1955, by appellant and Bonnie A. Bastone.

